

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS**

DR Distributors, LLC, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No: 12 C 50324  
 )  
 21 Century Smoking, Inc., and Brent Duke )  
 )  
 Defendants. ) Judge Frederick J. Kapala

## **ORDER**

Before the court is a report and recommendation (“R&R”) [189] from the magistrate judge that this court deny plaintiff’s motion to recover fees they incurred preparing to depose defendants’ expert witness before the defendants withdrew the expert and cancelled the deposition. Plaintiffs bring the motion pursuant to Federal Rule of Civil Procedure 37. Objections were due by March 21, 2017, and no objections have been received. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Thomas v. Arn, 474 U.S. 140, 149-50 (1985). Having reviewed the R&R and finding no errors, the court adopts the R&R in full and denies plaintiffs’ motion for fees [184].

Date: 3/31/2017

ENTER:

Wendy Karpala

## FREDERICK J. KAPALA

### District Judge